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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,578	10/31/2003	Masaaki Kurebayashi	16869P-097100US	1657

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EXAMINER
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ALUNKAL, THOMAS D

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,578	<b>Applicant(s)</b> KUREBAYASHI ET AL.	
	<b>Examiner</b> THOMAS D. ALUNKAL	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7, 9, 12, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 18 and 20-23 is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### ***Response to Arguments***

Applicant's arguments see Remarks, filed 2/6/08, with respect to claims 12, 18, and 20-23 have been fully considered and are persuasive. The previous grounds of rejection have been withdrawn.

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

### **DETAILED ACTION**

#### ***Claim Objections***

Claim 3 is objected to because of the following informalities: Claim 3 recites the limitations "for said highest write speed", "for said lowest write speed", and "for said middle write speed between said highest and lowest write speeds" which are all provided in parentheses. It is unclear if the claim is further limited by these limitations because of their placement in parentheses. Appropriate correction is required.

Claims 4-7 are also objected due to their dependence from claim 3 and intervening claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Wu (US 6,535,470).

Regarding claim 9, Wu discloses a method for controlling a writing waveform on an optical disk in a system which uses a DVD-ROM as a recording medium and performs CAV writing on said DVD-RAM from an inner circumference at 2X to an outer circumference at 5X (Figure 13 and Column 10, lines 24-34), said method using: a writing waveform parameter for 5X as a first parameter (Column 10, lines 24-34, nominal value 5X); a writing waveform parameter for 2X as a second parameter ; Column 10, lines 24-34, 2X); and a recommended writing waveform parameter for 3X written on said disk as a third parameter (Column 10, lines 24-34, nominal value 3X. It is noted that in the context of the claim, the time when a parameter for 3X is "written on said disk" is not specified.).

### ***Allowable Subject Matter***

Claims 12, 18, and 20-23 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims 12, 18, 21, 22, and 23.

Regarding claim 12, the prior art taken either singularly or in combination fails to anticipate or fairly suggest a read/write apparatus comprising: means for reading and analyzing parameters on a disk; means for analyzing said parameters and determining interpolation parameters; means for performing a trial write operation to obtain a

parameter for a highest speed; means for performing a test write operation to obtain a parameter for a lowest speed; and ***means for, based on said parameters obtained through said test write operations and a third parameter for a middle speed written on said disk, determining parameters for all possible speeds.***

Regarding claim 18, the prior art taken either singularly or in combination fails to anticipate or fairly suggest a method for writing information to an optical disk by irradiating laser light thereto, said optical disk storing: a first writing waveform parameter for a first write speed; a second writing waveform parameter for a second write speed higher than said first write speed; and a third writing parameter for third write speed higher than said second write speed; said method comprising the steps of: ***writing information at said second writing speed by use of a fourth writing waveform parameter obtained as a result of converting said second writing parameter;*** writing information at said first write speed by use of a fifth writing waveform parameter obtained as a result of a trial write operation at said first write speed; writing information at said third write speed by used of a sixth writing waveform parameter obtained as a result of a test write operation at said third write speed; ***and writing information at said second write speed by use of a writing waveform parameter obtained as a result of approximating said fourth writing waveform parameter.***

Regarding claims 21-23, these claims have been amended as recommended by the Examiner and contain the allowable subject matter specified in the Office action dated 9/10/07.

Dependent claim 20 is allowed with their respective base claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yokoi (2002/0085470) discloses an optical information recorder employing an improved recording power control scheme. Yokoi (US 6,459,666) discloses an information recording apparatus and method. Fukumoto (US PgPub 2003/0086346) discloses an optical disk device. Sato (US 6,563,775) discloses an optical disc unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS D. ALUNKAL whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Alunkal/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627